

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABELARDO MORALEZ,

Plaintiff,

v.

Case No. 2:17-cv-10567

District Judge Laurie J. Michelson

Magistrate Judge Anthony P. Patti

MICHAEL SHANNON MOORE,
THOMAS WILSON, AMANDA RISK, A,
ROBERT D. MOORE, JASON GANZHORN,
RICHARD MICHAEL KLIMMER,
GERALD WHALEN, GLENN J. PAGE,
PATRICK BURTCH, JENNY MORRIS,
SHERIDAN SURVEYING, P.C.,
THOMAS TINKLEPAUGH, ADAM BROOKER, and MICHIGAN
LIQUOR CONTROL COMMISSION,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S APPLICATIONS TO
PROCEED ON APPEAL WITHOUT PREPAYING FEES OR COSTS
(DEs 116, 118)**

A. Background

Plaintiff filed this lawsuit *in pro per* on February 21, 2017. Shortly thereafter, Judge Michelson referred this case to me for pretrial matters pursuant to 28 U.S.C. § 636(b)(1). On June 21, 2017, I conducted a hearing, the transcript for which was eventually made part of the case record. (DE 123.) On June 22, 2017, I entered a report and recommendation and several orders. (DEs 63-66.) On July 24, 2017, Judge Michelson entered an order adopting my report and

recommendation, denying plaintiff's motions seeking injunctive relief, and partially dismissing the case. (DE 79.)

On November 21, 2017, I filed two matters: **(a)** an order denying Plaintiff's motions for disqualification (DE 101); and **(b)** a report and recommendation to grant several motions to dismiss (DE 102). In December 2017, Plaintiff filed objections. (DEs 109, 115.) This matter is before Judge Michelson.

B. Instant Applications

On November 30, 2017, Plaintiff filed a notice of appeal to the Sixth Circuit regarding my November 21, 2017 order. (DE 103-105; *see also* 106-108.) Currently before the Court are Plaintiff's December 2017 applications to proceed *in forma pauperis* on appeal. (DEs 116, 118.)

On January 4, 2018, the Sixth Circuit dismissed Plaintiff's appeal for lack of jurisdiction. (DE 120 (Court of Appeals Docket # 17-2448).) Around that same time, the Clerk's Office for the E.D. Mich. documented receipt of the \$505.00 appeal fee. (DE 121.)

C. Order

Plaintiff's appeal fee having been received and recorded on January 4, 2018, Plaintiff's earlier filed applications to proceed on appeal without prepaying fees or costs (DE 116, 118) are **DENIED AS MOOT**. The Undersigned's report and recommendation on Defendant MLCC's October 2, 2017 motion to dismiss (*see*

DE 89) and, if necessary, opinion on Plaintiff's December 15, 2017 formal written requests (*see* DE 114), will issue under separate cover.

IT IS SO ORDERED.

Dated: January 25, 2018

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on January 25, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti